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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 SHERYL SMITH,) CIVIL ACTION NO. 4:11-CV-01295-SBA
17 Plaintiff,)
18 v.) STIPULATION AND PROPOSED ORDER
19) TO REMAND FOR FURTHER PROCEEDINGS
20 MICHAEL J. ASTRUE,) PURSUANT TO SENTENCE FOUR OF
21 Commissioner of Social Security,) 42 U.S.C. § 405(g), AND REQUEST FOR ENTRY
22 Defendant.) OF JUDGMENT IN FAVOR OF PLAINTIFF
23)
24 IT IS HEREBY STIPULATED, by and between the parties, through their respective
25 counsel of record, that this action be remanded to the Commissioner of Social Security for further
26 administrative action pursuant to section 205(g) of the Social Security Act, as amended, 42
U.S.C. § 405(g), sentence four.

27 Plaintiff will be given an opportunity for another hearing and an opportunity to submit
28 additional evidence. Upon remand, the Appeals Council will direct the administrative law judge
(ALJ) to address treating source Dr. Strelkoff's opinions, and if the ALJ rejects Dr. Strelkoff's
opinions, the ALJ will explain such rejection. The Appeals Council will direct the ALJ to
consider all the evidence in the record when determining whether Plaintiff became disabled prior
to her date last insured. If the ALJ who presides over the new hearing is unable to sign the
decision, then the Hearing Office Chief ALJ shall sign for the ALJ pursuant to the policies set
forth in the Hearings, Appeals and Litigation Law Manual, Section I-2-8-40 (HALLEX I-2-8-40).

The parties further request that the Clerk of the Court be directed to enter a final judgment in favor of Plaintiff, and against Defendant, Commissioner of Social Security, reversing the final decision of the Commissioner. Nothing in this proposed order shall be taken to affect Plaintiff's right to request Equal Access to Justice Act (EAJA) attorney's fees under 28 U.S.C. § 2412, or costs under 28 U.S.C. § 1920, or to prevent Defendant from opposing any such requests.

Respectfully submitted,

Dated: January 9, 2012

/s/ Dolly M. Trompeter
(as authorized via e-mail)
DOLLY M. TROMPETER
Attorney for Plaintiff

MELINDA L. HAAG
United States Attorney

Dated: January 9, 2012

By s/ Daniel P. Talbert
DANIEL P. TALBERT
Special Assistant U.S. Attorney

Attorneys for Defendant

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: 1/17/12

SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE